

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 60

Introduced by Senator Cedillo

(Coauthors: Senators Calderon, Kuehl, Oropeza, and Romero)

January 11, 2007

An act to amend Section 40000.11 of, to amend, repeal, and add Sections 12801.5 and 14610.7 of, to add Sections 1653.6 and 12801.1 to, and to add and repeal Section 12801.9 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as amended, Cedillo. Vehicles: driver's licenses.

(1) Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards.

This bill would require the department, in the issuance of driver's licenses and identification cards, to issue licenses and cards that are in compliance with specified requirements of the federal Real ID Act of 2005 (Public Law 109-13).

The bill would require the department to issue a driver's license that permits driving and is acceptable by a federal agency for any official purpose, as certified by the federal Secretary of Homeland Security, to an applicant who is in compliance with specified requirements of specified provisions of the federal act, no later than 240 days after the United States Secretary of Homeland Security approves the state's implementation plan of the federal act.

The bill also would require the department, in compliance with the federal act, and no later than 240 days after the United States Secretary of Homeland Security approves the state's implementation plan, to issue a driver's license that permits driving, and is not acceptable by a federal

agency for federal identification or for any other official purpose, to an applicant who does not provide valid documentary evidence of lawful status under the federal act.

(2) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards, and to make a specified *annual* report, ~~annually~~.

This bill would repeal those requirements on the date that the Secretary of State receives a notice from the Director of Motor Vehicles indicating *the date* that the department ~~is~~ *shall commence the issuance of driver's licenses* in compliance with the implementation of the federal Real ID Act of 2005.

This bill would, however, until the date of receipt by the Secretary of State of the notice, described above, require the department to accept an original notice of action document that contains a valid application verification number and is issued by a regional service center of the federal Citizenship and Immigration Service (CIS) of the United States Department of Homeland Security, as proof that the driver's license applicant's presence in the United States is authorized under federal law.

The bill would require the department to use the Case Status Service Online Internet Web site of the CIS, or any other verification mechanism deemed acceptable by the CIS and the department, to verify an applicant's pending status.

The bill would require a driver's license issued to a person eligible under these provisions to be for a limited term of 12 months. The bill would require the department to renew the license for consecutive one-year periods until the date the department determines that the CIS has taken a final action on the applicant's legal residency application, or until the department has implemented the provisions of the federal Real ID Act of 2005, whichever date occurs first.

The bill would require the department to commence implementation of the provisions relating to acceptance of CIS documents as proof of an applicant's lawful presence on or before March 1, 2008.

(3) Existing law makes it a misdemeanor for ~~any~~ *a* person to knowingly assist in obtaining a driver's license or identification card

for ~~any~~ a person whose presence in the United States is not authorized under federal law.

This bill would repeal that provision, and, instead, would make it a misdemeanor to knowingly assist in obtaining documents for another person in violation of the federal Real ID Act of 2005. These changes would become operative on the date of receipt by the Secretary of State of the notice described above ~~in paragraph (2)~~.

Because this bill would create a new crime, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The bill would provide that its provisions are severable.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Real ID Act of 2007.

3 SEC. 2. The Legislature intends by the enactment of this act
4 to accomplish the following:

5 (a) Meet or exceed the document and issuance standards set
6 forth in the federal Real ID Act of 2005 (Public Law 109-13), to
7 ensure that California has a federally recognized and acceptable
8 driver's license and identification card.

9 (b) Provide driver's licenses that permit driving, but cannot be
10 used for federal identification purposes, consistent with the federal
11 Real ID Act of 2005, to California drivers that cannot meet the
12 minimum identity confirmation requirements necessary to obtain
13 a federally recognized driver's license or identification card.

14 SEC. 3. Section 1653.6 is added to the Vehicle Code, to read:

15 1653.6. In the issuance of a driver's license and identification
16 card under this code, the department shall issue a driver's license
17 and an identification card that are in compliance with Section 202
18 of Title II of the federal Real ID Act of 2005 (Public Law 109-13).

19 SEC. 4. Section 12801.1 is added to the Vehicle Code, to read:

1 12801.1. (a) No later than 240 days after the United States
2 Secretary of Homeland Security approves the state's
3 implementation plan of the federal Real ID Act of 2005 (Public
4 Law 109-13), the department shall issue a driver's license that
5 permits driving and is acceptable by a federal agency for any
6 official purpose, as certified by the Secretary of Homeland Security,
7 to an applicant who is in compliance with the requirements of
8 Section 202 of Title II of the federal Real ID Act of 2005.

9 (b) The department, in compliance with the federal Real ID Act
10 of 2005, and no later than 240 days after the United States
11 Secretary of Homeland Security approves the state's
12 implementation plan, shall issue a driver's license that permits
13 driving, and is not acceptable by a federal agency for federal
14 identification or for any other official purpose pursuant to
15 paragraph (11) of subsection (d) of Section 202 of Title II of the
16 federal Real ID Act of 2005, to an applicant who does not meet
17 the requirements of subparagraph (B) of paragraph (2) of subsection
18 (c) of Section 202 of that federal act.

19 SEC. 5. Section 12801.5 of the Vehicle Code is amended to
20 read:

21 12801.5. (a) Notwithstanding any other provision of law, the
22 department shall require an applicant for an original driver's license
23 or identification card to submit satisfactory proof that the
24 applicant's presence in the United States is authorized under federal
25 law.

26 (b) The department shall not issue an original driver's license
27 or identification card to a person who does not submit satisfactory
28 proof that the applicant's presence in the United States is authorized
29 under federal law.

30 (c) The department shall adopt regulations to carry out the
31 purposes of this section, including procedures for, but not limited
32 to, (1) verifying that the applicant's presence in the United States
33 is authorized under federal law, (2) issuance of a temporary license
34 pending verification of the applicant's status, and (3) appeal
35 hearings from a denial of a license, temporary license, or
36 identification card.

37 (d) On January 10 of each year, the department shall submit a
38 supplemental budget report to the Governor and the Legislature
39 detailing the costs of verifying the citizenship or legal residency

1 of applicants for driver's licenses and identification cards, in order
2 for the state to request reimbursement from the federal government.

3 (e) Notwithstanding Section 40300 or any other provision of
4 law, a peace officer shall not detain or arrest a person solely on
5 the belief that the person is an unlicensed driver, unless the officer
6 has reasonable cause to believe the person driving is under 16
7 years of age.

8 (f) The inability to obtain a driver's license pursuant to this
9 section does not abrogate or diminish in any respect the legal
10 requirement of every driver in this state to obey the motor vehicle
11 laws of this state, including laws with respect to licensing, motor
12 vehicle registration, and financial responsibility.

13 (g) (1) The director shall determine the date that the department
14 ~~is in compliance with the implementation of the federal Real ID~~
15 ~~Act of 2005 (Public Law 109-13).~~ *shall commence the issuance*
16 *of driver's licenses under Section 12801.1.*

17 (2) The director shall submit a notice of the determination under
18 paragraph (1) to the Secretary of State, and on the date of the
19 receipt of that notice by the Secretary of State, this section is
20 repealed.

21 SEC. 6. Section 12801.5 is added to the Vehicle Code, to read:

22 12801.5. (a) Notwithstanding any other provision of law, a
23 peace officer shall not detain or arrest a person solely on the belief
24 that the person is an unlicensed driver, unless the officer has
25 reasonable cause to believe that the person driving is under 16
26 years of age.

27 (b) The inability to obtain a driver's license pursuant to this
28 code does not abrogate or diminish in any respect the legal
29 requirement of a driver in this state to obey the motor vehicle laws
30 of this state, including laws with respect to licensing, motor vehicle
31 registration, and financial responsibility.

32 (c) This section shall become operative upon the receipt by the
33 Secretary of State of the notice specified in paragraph (2) of
34 subdivision (g) of Section 12801.5, as amended by Section 5 of
35 the act that added this section.

36 SEC. 7. Section 12801.9 is added to the Vehicle Code, to read:

37 12801.9. (a) The Legislature hereby finds and declares all of
38 the following:

39 (1) There are residents of California who have applied to the
40 federal Citizenship and Immigration Service (CIS) of the United

1 States Department of Homeland Security for legal residency and
2 have had their applications accepted by the CIS for processing.

3 (2) The persons described in paragraph (1), who have made
4 themselves known to the federal government and have had their
5 applications for adjustment of status accepted by the CIS for
6 processing, are not deportable based on their immigration status.

7 (3) Persons with pending applications for adjustment of status
8 are issued application verification numbers on their notice of action
9 document by the CIS. These application verification numbers are
10 unique to each individual and can be verified through the Case
11 Status Service Online Internet Web site of the CIS.

12 (4) California currently does not issue a driver's license to a
13 person with a pending application for adjustment of status.
14 However, under the federal Real ID Act of 2005 (Public Law
15 109-13), a temporary driver's license issued to a person with a
16 pending application for adjustment of status would be accepted
17 for official purposes under that federal act.

18 (b) For purposes of Section 12801.5, the department shall accept
19 an original notice of action document that contains a valid
20 application verification number and is issued by a regional service
21 center of the CIS, as proof that the driver's license applicant's
22 presence in the United States is authorized under federal law.

23 (c) The department shall use the Case Status Service Online
24 Internet Web site of the CIS, or any other verification mechanism
25 deemed acceptable by the CIS and the department, to verify an
26 applicant's pending status.

27 (d) A driver's license issued to a person eligible under this
28 section shall be for a limited term of 12 months. The department
29 shall renew the license for consecutive one-year periods until the
30 date the department determines that the CIS has taken a final action
31 on the applicant's legal residency application, or until the
32 department has implemented the provisions of the federal Real ID
33 Act of 2005, whichever date occurs first.

34 (e) The department shall commence implementation of this
35 section on or before March 1, 2008.

36 (f) This section is repealed on the date that the Secretary of State
37 receives the notice described in paragraph (2) of subdivision (g)
38 of Section 12801.5, as amended by Section 5 of the act that added
39 this section.

1 SEC. 8. Section 14610.7 of the Vehicle Code is amended to
2 read:

3 14610.7. (a) It is a misdemeanor for a person to knowingly
4 assist in obtaining a driver's license or identification card for a
5 person whose presence in the United States is not authorized under
6 federal law.

7 (b) This section is repealed on the date that the Secretary of
8 State receives the notice described in paragraph (2) of subdivision
9 (g) of Section 12801.5, as amended by Section 5 of the act that
10 amended this section. The repeal of this section shall not be
11 construed to forgive or legalize conduct prohibited by this section
12 that was committed prior to the repeal date.

13 SEC. 9. Section 14610.7 is added to the Vehicle Code, to read:

14 14610.7. (a) (1) A person shall not knowingly assist in
15 obtaining a driver's license, identification card, or any other
16 document for another person in violation of Section 202 of Title
17 II of the federal Real ID Act of 2005 (Public Law 109-13).

18 (2) A violation of paragraph (1) is a misdemeanor.

19 (b) This section is cumulative and shall not be construed as
20 restricting the application of any other law. However, an act or
21 omission punishable differently by this section and another section
22 of this code or any other code shall not be punished under more
23 than one of those sections.

24 (c) This section shall become operative upon the receipt by the
25 Secretary of State of the notice specified in paragraph (2) of
26 subdivision (g) of Section 12801.5, as amended by Section 5 of
27 the act that added this section.

28 SEC. 10. Section 40000.11 of the Vehicle Code is amended to
29 read:

30 40000.11. A violation of any of the following is a misdemeanor,
31 and not an infraction:

32 (a) Division 5 (commencing with Section 11100), relating to
33 occupational licensing and business regulations.

34 (b) Section 12500, subdivision (a), relating to unlicensed drivers.

35 (c) Section 12515, subdivision (b), relating to persons under 21
36 years of age driving, and the employment of those persons to drive,
37 vehicles engaged in interstate commerce or transporting hazardous
38 material.

39 (d) Section 12517, relating to a special driver's certificate to
40 operate a schoolbus or school pupil activity bus.

1 (e) Section 12519, subdivision (a), relating to a special driver's
2 certificate to operate a farm labor vehicle.

3 (f) Section 12520, relating to a special driver's certificate to
4 operate a tow truck.

5 (g) Section 12951, subdivision (b), relating to refusal to display
6 a license.

7 (h) Section 13004, relating to unlawful use of an identification
8 card.

9 (i) Section 13004.1, relating to identification documents.

10 (j) Sections 14601, 14601.1, 14601.2, and 14601.5, relating to
11 driving with a suspended or revoked driver's license.

12 (k) Section 14604, relating to unlawful use of a vehicle.

13 (l) Section 14610, relating to unlawful use of a driver's license.

14 (m) Section 14610.1, relating to identification documents.

15 (n) Section 14610.7, relating to assisting in the unlawful
16 attainment of identification documents.

17 (o) Section 15501, relating to use of a false or fraudulent license
18 by a minor.

19 SEC. 11. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

28 SEC. 12. The provisions of this act are severable. If any
29 provision of this act or its application is held invalid, that invalidity
30 shall not affect other provisions or applications that can be given
31 effect without the invalid provision or application.